

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 2, 2005 PLANNING COMMISSION MEETING

P.A.S.: Use Permit #04003, Ashley Heights

PROPOSAL: To develop 92,561 square feet of commercial floor area in an existing B-2, Planned Neighborhood Business District.

LOCATION: Generally located north of W. Huntington Avenue and east of NW 48th Street.

WAIVER REQUEST:

Side yard setbacks

Front yard setback

Allow free standing signs for pad sites to be more than 30' from the building

LAND AREA: 15.5 acres, more or less.

CONCLUSION: With conditions, the request is in conformance with the Comprehensive Plan, Zoning and Subdivision Ordinances.

<u>RECOMMENDATION:</u>	Conditional Approval
<u>Waivers:</u>	
Side yard setbacks	Approval
Front yard setback	Approval
Allow free standing signs for pad sites to be more than 30' from the building	Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

EXISTING ZONING: B-2, Planned Neighborhood Business District.

EXISTING LAND USE: Undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	H-4, Highway Commercial District
	Sunhusker Foods	I-2, Industrial Park District
	Undeveloped	I-1, Industrial
South:	Residential	R-3, Residential
East:	Agricultural	AG, Agricultural

West: Residential R-3, Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Comprehensive Plan indicates this area as commercial.

Page F17 - Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods, and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.

Page F38 - General Principles for all Commercial and Industrial Uses - Commercial and industrial districts in Lancaster County shall be located:

- within the City of Lincoln or incorporated villages
- outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning)
- where urban services and infrastructure are available or planned for in the near term
- in sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan
- in areas accessible by various modes of transportation (i.e. automobile, transit and pedestrian)
- so that they enhance entryways or public way corridors, when developing adjacent to these corridors
- in a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Page F46-47 - Neighborhood Centers typically range in size from 150,000 to 250,000 square feet of commercial space.

Neighborhood centers provide services and retail goods oriented to the neighborhood level, such as Lenox Village at S. 70th and Pioneers Boulevard, and Coddington Park Center at West A and Coddington. These centers typically serve the neighborhood level. It is anticipated that there will be one neighborhood center per one square mile of urban use. For areas of less than one square mile, the maximum size of the center will be reduced proportionally.

Neighborhood Centers are not sited in advance on the land use plan. However, in neighborhoods oriented to greater pedestrian activity and residential density, two neighborhood centers may be located within a square mile of urban residential use.

Neighborhood Centers should generally not develop at corners of intersections of two arterial streets due to limited pedestrian accessibility and impact on the intersection – locations 1/4 to 1/2 mile from major intersections are encouraged, particularly if there is to be more than one commercial center within a square mile of urban residential use. There may be circumstances due to topography or other factors where centers at the intersection may be the only alternative.

Page F87 - Increasing the use of alternate means of transportation, including public transportation, bicycle transit, and pedestrian movement, by improving and expanding facilities and services and encouraging compact, walkable land use patterns and project designs.

Page F91 - This area is shown as an unbuilt/approved pedestrian activity center.

Page F91 - Activity Corridors and Centers - These areas tend to be located along arterials, particularly where two major arterials might intersect. These locations often have strip commercial or "L" shaped neighborhood shopping centers. Directness and safety for pedestrians going to, from, and within these corridors and centers should be stressed.

HISTORY: On, **April 16, 2001**, City Council approved Comprehensive Plan Amendment #94-52 which showed this area as commercial and residential.

On **April 16, 2001**, City Council approved Annexation #00001, Change of Zone #3248, Special Permit #1833 and Preliminary Plat #00005. This changed the zone from I-2, Industrial to H-4, General Commercial, B-2, Planned Neighborhood Business District, and R-3, Residential for 295 dwelling units.

On **October 8, 1984**, City Council approved Change of Zone #2123, which changed the zoning of 0.34 acres of land on the southeast corner of NW 48th and W. Adams St. from AG Agricultural to I-2 Industrial Park.

On **July 2, 1984**, City Council approved Change of Zone #2106, which changed the zoning on 151 acres at the southeast corner of NW 48th and W. Adams from AG Agricultural to I-2 Industrial Park. This request by the Chamber of Commerce was associated with Comprehensive Plan Amendment #27.

The property was converted from A-A Rural and Public Use to AG Agricultural in the **1979** zoning update.

UTILITIES: Available to the site.

TOPOGRAPHY: Sloping gently to the northeast.

TRAFFIC ANALYSIS: NW 48th Street is currently a paved two-lane rural roadway. The Comprehensive Plan classifies NW 48th Street as a Minor to Principle Arterial to have four through lanes and left turn lanes. These improvements are not currently identified in the Capital Improvements Program.

W. Huntington Avenue is a collector street with 80' right of way. This road was originally designed to provide collector access to the commercial center and into the residential district.

Additional internal sidewalks should be added, as further explained in the analysis portion of this report.

PUBLIC SERVICE: The nearest fire station is #11 in Arnold Heights
The nearest public school is Arnold Elementary School
The nearest public library is the Arnold Heights Library

REGIONAL ISSUES: This neighborhood commercial center will provide desired commercial uses for the general area.

ENVIRONMENTAL CONCERNS: The eastern portion of the use permit indicates a drive access along the residential lots. This drive should not be located so close to the existing residential lots. This drive should be eliminated from the site plan. Other sufficient accesses are available within the site and the drive does not provide additional benefit, but rather will be a noise nuisance to neighbors.

ANALYSIS:

1. This is a request to obtain a use permit for 93,500 square feet of commercial floor area within an existing B-2 district.
2. The applicant requests to waive internal side yard setbacks. This is an acceptable waiver so that the internal parking lots may be continuous and is a typical situation in planned neighborhood business centers.
3. The request to reduce the front yard setback so that the parking lot driving aisle may encroach into the front yard setback is acceptable provided that additional screening is provided in those locations. Those locations which encroach should provide a 90% landscape screen from 2'-4' height along the entire perimeter of the encroachment.
4. The applicant requests to waive the requirement that signs be located within 30' of the pad site building. This is acceptable to Planning Staff provided a more specific sign envelope is indicated on the site plan. Presently the site plan indicates a 15' wide easement strip along the entire frontage of NW 48th Street frontage. This is not acceptable. Signs in this area will be limited to a few select signs so that the entire frontage is not cluttered with signs.
5. The Comprehensive Plan indicates commercial in this area.
6. Additional internal pedestrian walks should be provided to provide access to and from the site along both sides of all driveways and within the site as indicated on the attached drawing. This area is shown as a pedestrian center in the Comprehensive Plan.

7. The Lincoln Lancaster County Health Department made one advisory comment which is attached.
8. The Parks Department indicated several revisions in their attached memo.
9. The Public Works and Utilities Department indicated several revisions in their attached memo.
10. The site plan and building site should be revised to be more pedestrian oriented. All the buildings are surrounded by parking lots and driveways. Planning staff has discussed this with the developers to improve pedestrian access to the buildings and reduce the encroachments into the front yard along Huntington Avenue.
11. The parking lot for the market can be redesigned parallel to the right of way and the setback could be adjusted if necessary.

CONDITIONS:

Site Specific:

1. This approval permits 93,500 square feet of commercial floor area with waivers to internal side yard setbacks, front yard setbacks along W. Huntington Avenue, and separation between on-premises ground sign and pad site building.

General:

2. Before receiving building permits:
 - 2.1 The permittee shall have submitted a revised and reproducible final plan including 7 copies showing the following revisions and the plans are acceptable:
 - 2.1.1 Grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land location within the Airport Environs Noise District.
 - 2.1.2 Show pedestrian walks to the satisfaction of the Planning Department.
 - 2.1.3 Remove the drive on the south side of the building on Lot 6 and reduce the encroachment of the drive way in the front yard setback of Lot 4.

- 2.1.4 Make revisions to the satisfaction of the Public Works and Utilities Department memo dated February 15, 2005.
- 2.1.5 Utility easements as requested by the Lincoln Electric System memo dated October 19, 2004.
- 2.1.6 Revisions to the satisfaction of the Parks Department memo dated October 19, 2004.
- 2.2 The construction plans shall comply with the approved plans.
- 2.3 Final Plats shall be approved by the City.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the commercial buildings all development and construction shall have been completed in compliance with the approved plans.
 - 3.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Becky Horner, 441-6373, rhorer@lincoln.ne.gov
Planner

DATE: February 15, 2005

APPLICANT: Derrick Rademaker, Olsson Associates
& CONTACT 1111 Lincoln Mall
(402)474-6311

OWNER: Muff-Stettinger, LLC
825 M Street, Suite 105
Lincoln, NE 68508

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Use Permit # 04003 NW 48th & W. Huntington Ave.

2002 aerial

Zoning:

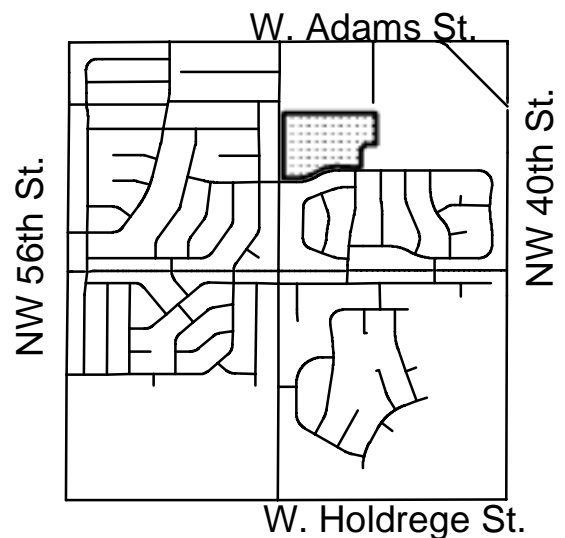
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 18 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.

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SURVIVANCE CERTIFICATE

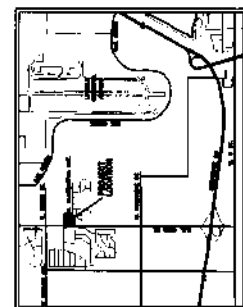
HOOPER'S CEMENT

APPROVAL

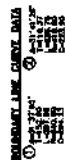
I HEREBY CERTIFY THAT THE ABOVE INFORMATION WAS OBTAINED BY THE CITY CLERK.

CLERK OF THE CITY OF _____

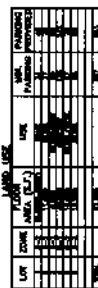
100



TYPICAL CROSS SECTION



VICINITY MAP
NOT TO SCALE



RECEIVED
JUN 10 1964
U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

[illegible]

USE PLUMBIUM

[illegible][illegible][illegible]

PALMYRA BELLS

1. A NUMBER OF THE MEMBERS HAVE BEEN ATTRIBUTED TO A LOT OF LETTERS TO THE PRESS.
2. WE HAVE THE RECORDS TO SUPPORT A REPUTABLE PLAN.
3. A TRIP TO THE NEW CONGRESS INCLUDED AN EXTENSIVE VISIT TO THE NEW YORK CITY AND WASHINGTON AND WILL BE LOCATED WITHIN THE CITY OF THE NEW YORK.
4. THE NEW YORK CITY AND WASHINGTON WILL BE LOCATED WITHIN THE CITY OF THE NEW YORK.

STUDYING'S OPPORTUNITY

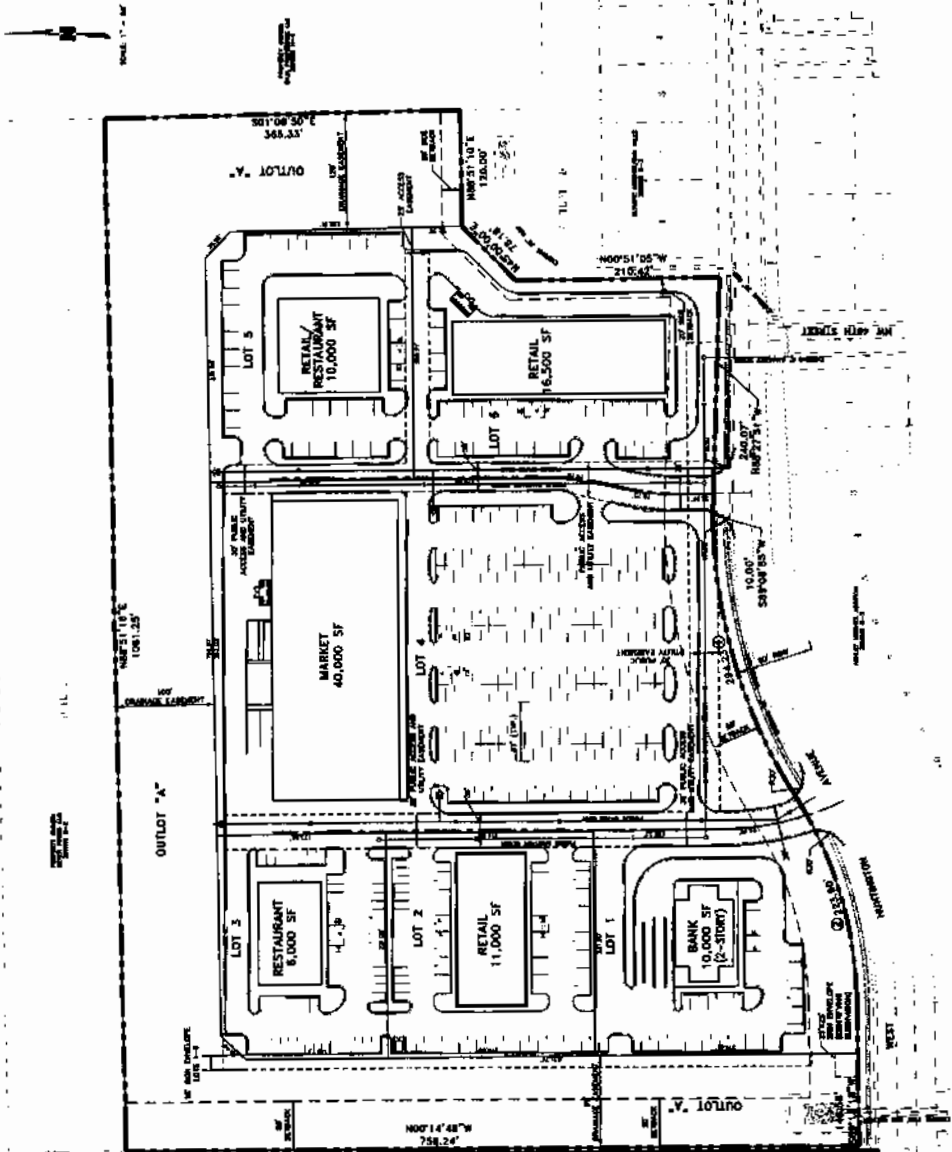
—SENATOR CANTO: First I want to thank the members of the Senate for their support of the bill. I am pleased to see that the bill has been passed. I am also pleased to see that the bill has been passed. I am also pleased to see that the bill has been passed.

INVESTING STRATEGIES

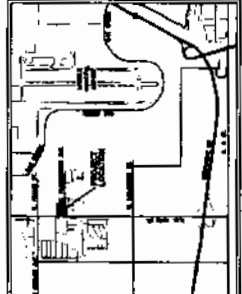
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Abstract

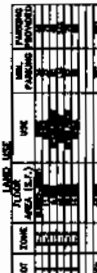
ADDITIONAL USE PERMIT WAS AFFORDED BY THE CITY COUNCIL
RESOLUTION # _____ ON THE DAY OF _____, 20____.



TYPICAL CROSS SECTION



VICINITY MAP
NOT TO SCALE



18.40 Ac
2.12 Ac

[illegible]



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

6 October 2004

Mr. Marvin Krout
Planning Department
555 South 10th Street, Suite 213
Lincoln NE 68508

Re: Ashley Heights Commercial Center
Generic Use Permit
OA Project No. 2004-0978

Dear Marvin:

Enclosed find the following documents for the above-mentioned project:

1. 21 copies of the Site Plan.
2. 9 copies of the Drainage and Grading Plan.
3. 1 copy of the Use Permit Application.
4. \$740 Submittal Fee.
5. 1 copy of the Ownership Certificate.

We are requesting a Generic Use Permit on behalf of the Owner and Developer:

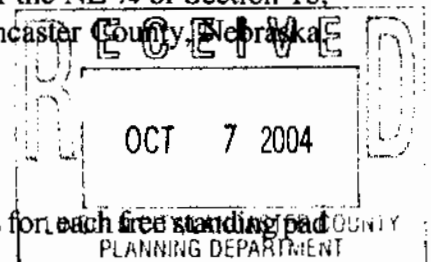
Muff-Stettinger, LLC
Paul Muff
825 M St.
Lincoln NE 68508
Phone: (402) 474-6311

Muff-Stettinger, LLC
Phillip Stettinger
825 M St.
Lincoln NE 68508
Phone: (402) 474-6311

The Use Permit is located in Lot 1, Block 11, located in the NW 1/4 of the NE 1/4 of Section 18, Township 10 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska. This area has an existing zoning of B-2.

We are requesting the following waivers:

1. A waiver to the sign ordinance requiring on-premise ground signs for each free standing pad sites to be located within thirty feet of the pad site.
2. A waiver of the internal side yard setbacks to 0' of lots 1 thru 6, block 1.
3. To wave the requirement to submit a preliminary plat.
4. A waiver to allow the parking lots to encroach the external front yard setback.



Mr. Marvin Krout
Page Two
6 October 2004

If you require further information or have any questions, please call.

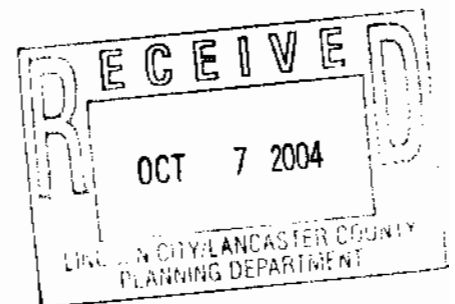
Sincerely,



Darrick Rademacher

cc: Paul Muff
Phillip Stettinger

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3 February 2005

OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

Becky Horner
Planning Department
555 South 10th Street, Suite 213
Lincoln NE 68508

Re: Ashley Heights Commercial Center
Generic Use Permit
OA Project No. 2004-0978

Dear Becky:

Please note that we have increased the restaurant square-footage from 5,015 to 6,000sq.ft. in Lot 3 of the Ashley Heights Commercial Center Use Permit. Please incorporate this change into the planning commission review of this project.

Enclosed find the following documents:

1. 25 copies of the Site Plan.
2. 10 copies of the Drainage and Grading Plan.

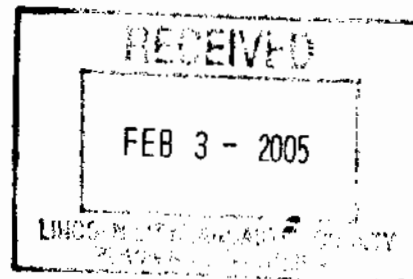
If you require further information or have any questions, please call.

Sincerely,

Darrick Rademacher

cc: Paul Muff
Phillip Stettinger

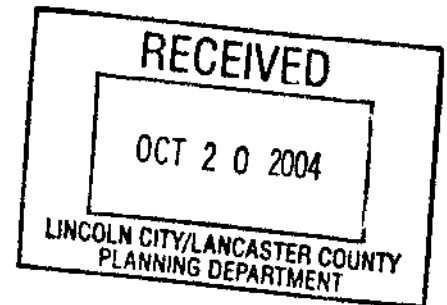
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INTER-DEPARTMENT COMMUNICATION



DATE: October 19, 2004
TO: Becky Horner, City Planning
FROM: Sharon Theobald
Ext 7640
SUBJECT: DEDICATED EASEMENTS - Use Permit #04003
DN# 25N-47W



Attached is the Site Plan for Ashley Heights Commercial Center.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with a blanket utility easement over Outlot "A". Also, please include "utility" in the Access Easement, as noted.

Sharon Theobald

ST/ss
Attachment
c: Terry Wiebke
Easement File

Memo



To: Becky Horner, Planning Department

From: Mark Canney, Parks & Recreation

Date: October 19, 2004

Re: Ashley Heights Commercial Center 04003

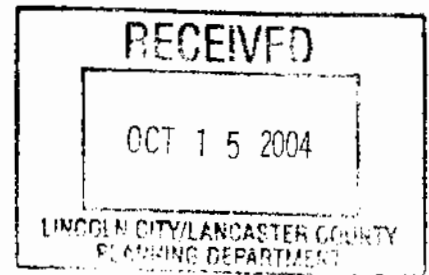
Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Provide connection to the Commuter Trail easement that runs through outlot C.
2. All outlot areas to be maintained by the developer and/or homeowners association.
3. Designated Street Trees are as follows:
West Huntington Avenue – Artistocrat Pears
N.W. 48th Street – Marshall Seedless Ash
4. Street trees on N.W. 48th Street shall be located on private property or in the right-of-way according to the typical cross section for a 100' or 120' right-of-way.
5. Street trees on West Huntington Avenue shall be located 5' back-of-walk and 4' from the sidewalk. Street tree planting locations to be marked out by City Forester.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



www.lincolnairport.com



October 14, 2004

Ms. Becky Horner, Project Planner
Lincoln/Lancaster County Planning
555 South 10th
Lincoln, NE 68508

Subject: Lincoln Airport, Lincoln, NE
Use Permit 04003
Ashley Heights Commercial Center

Ms. Horner:

After reviewing the proposed use permit we have the following comments:

This area is within the Airport Environs Noise District and subject to the provisions contained in Chapter 27.58 of the Lincoln Municipal Code. This will require an appropriate Avigation and Noise Easement and Covenant Agreement as a condition of approval for this permit. Please have the developer contact our attorney, Michael R. Johnson, at 420-1211, for the appropriate easement.

This area is also within a Turning Zone, as defined in Chapter 27.59. Any structures proposed in this area over 75' in height will require a height permit review, per the requirements of the chapter.

If you have any comments or questions, please give me a call.

Sincerely,

AIRPORT AUTHORITY

A handwritten signature in black ink, appearing to read 'Jon L. Large'.

Jon L. Large, P.E.
Deputy Director of Engineering

JLL/lb

cc: Mike Johnson, w/enclosures

Memorandum

To:	Becky Horner, Planning Department
From:	Chad Blahak, Public Works and Utilities
Subject:	Ashley Heights Commercial Center Use Permit #04003
Date:	2/15/05
cc:	Randy Hoskins

Engineering Services has reviewed the use permit for Ashley Heights Commercial Center, located at the northwest corner of NW 48th Street and Huntington Avenue, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

(1.1) The sanitary as shown does not meet design standards for public sanitary sewers. If the sanitary sewer system is to be public, the sanitary sewer needs to be shown along a public or private street at 3.5' outside the back of curb.

Water Mains - The following comments need to be addressed.

(2.1) The water system as shown does not meet design standards for public water mains. If the water system is to be public, the water mains are required to be shown along a public or private street at 3.5' outside the back of curb. If the water system is to remain in the locations shown, it needs to be labeled as private and a water meter building will need to be shown to the satisfaction of the Water Department.

Grading/Drainage - The following comments need to be addressed.

(3.1) Detention for this area was provided for with the Ashley Heights preliminary plat in the form of a large detention cell located to the east of this plat. This plat drains to an existing ditch that in turn drains to the aforementioned detention cell.

(3.2) The grading plan shows proposed grades approximately 6' higher than existing grades at the northeast corner of the plat. The appropriate grading needs to be shown or any required retaining walls need to be shown and labeled on the grading plan.

Streets - The following comments need to be addressed.

(4.1) There are no sidewalks shown on the plans and no other information provided addressing pedestrian circulation within this commercial area. Given the nature of the proposed and potential uses in this use permit, and its proximity to the residential development, pedestrian connectivity needs to be addressed.

(4.2) The roadways on either side of Lot 4 need to be labeled as private or public streets,

designed in accordance with design standards, in order to provide Lots 2,3, and 5 with frontage as per the subdivision ordinance. If the streets are to be private, a waiver of design standards for cul-de-sac geometry will need to be requested and justified, and a suitable alternative will need to be shown to the satisfaction of Public Works.

(4.3) It appears that the building and parking/drive isle layout for Lot 6 would make it difficult if not impossible for larger size delivery trucks to access the rear of the building as shown.

(4.4) The traffic study submitted indicated 200' long storage lengths for the east to north bound left turn lane in Huntington into the western most drive and the west to south bound turn lane at NW 48th and Huntington. There does not appear to be enough room between the future east curb line of NW 48th and the proposed drive location to accommodate both turn lanes. Revisions need to be made accordingly.

(4.5) The traffic study indicates numerous roadway improvements and a traffic signal in NW 48th Street associated with this plat. The improvements need to be shown on the plans and financial responsibility for the improvements and signal need to be addressed to the satisfaction of Public Works.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Becky Horner

DATE: October 11, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: Ashley Heights
Commercial Center
UP #04003

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

57.9

2322,920